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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,217	10/23/2003	Peter J. Ulintz	109770.0018	8227
37287	7590	06/11/2008		
ROETZEL & ANDRESS 1375 EAST 9TH STREET CLEVELAND, OH 44114			EXAMINER CULBRETH, ERIC D	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 06/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/692,217

Applicant(s)

ULINTZ, PETER J.

Examiner

Eric Culbreth

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 6, line 1 "2-4" should be "2A-4" (there is no Figure 2). In claim 4, line 1 "compr ising" should be "comprising".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 3 there is no clear antecedent basis for "the telescoping steering column" as a steering column assembly was earlier recited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11-12, 15-19, 21-23, 26-28 and 30 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Fevre et al US005758545, of record.

Fevre et al discloses a telescoping assembly configured for telescoping motion between an inner jacket 3 and outer jacket 2 (abstract) and a sleeve 5 (Figures 6-7) located between the inner and outer jackets, the column as best understood comprising inner jacket 3 having a first and second end, outer jacket 2 having a first and distal end with the second end of the inner jacket located inside the outer jacket and extending through the distal end of the outer jacket. Sleeve 5 has internal and external ribs 21, 22 contacting the jackets. The internal ribs 22 are outside the outer surface of the inner jacket (claim 11). The internal and external ribs are aligned along the sleeve axis and offset (claims 12, 23). Upon inspection in Figure 7, a width dimension of the internal ribs is greater than an external rib (claims 15, 28), and the thickness of an internal and external rib and sleeve wall is at least equal to a distance between the jackets (claim 16). A segment 8 of Fevre et al's sleeve extends past the outer sleeve (claim 17). The sleeve is able to flex between the facing jacket surfaces (abstract where the ribs of the sleeve are flexible)(claim 18), with the sleeve fixed to the outer jacket by block 9 and the inner jacket telescoping (claims 19 and 22). The internal ribs contact the outer surface of the inner jacket (claim 21). As the sleeve is thermoplastic that flexes (abstract, column 6, lines 65-66) and the tubes are metal (column 7, lines 8-12), the sleeve material is more flexible than the jackets (claim 26). Sleeve 5 is substantially within the outer jacket (claim 27). The ribs do not extend through the outer surface of the inner jacket (claim 30).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-10, 13, 20, 24 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fevre et al US005758545, of record in view of Burkhard et al US005722300, newly cited.

Fevre et al disclose a telescoping steering column assembly configured for telescoping relative movement between an outer jacket 2 and an inner jacket 3 (abstract) comprising outer jacket 2 with first and second ends and inner jacket 3 with a first end received telescopically in outer jacket 2's second end. A sleeve or sheath 5 (Figures 6-7) has a wall inside the outer jacket at the second end of the outer jacket, and the first end of the inner jacket is positioned inside the sleeve. The assembly is configured for relative telescoping movement between the outer and inner jacket the facing surfaces of the jackets contacting opposite faces of the sleeve. internal ribs 22 are entirely outside the inner jacket, and external ribs 21 contacting the outer jacket as well as the internal rib are aligned with a longitudinal axis of the sleeve. However, Fevre et al is not clear about where the end of the inner jacket is positioned relative to the sleeve. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fevre et al to include the end of the inner jacket

positioned within the sleeve as taught by Burkhard et al's sleeve 56 with inner jacket end 56 positioned within inasmuch as applicant's end in Figure 1 in order to arrange the sleeve and ends using an alternative arrangement in steering columns, as such a modification would yield predictable results (claims 1, 7). Fevre et al's ribs 21, 22 are offset in Figure 7 (claims 2, 8), but arranging biasing ribs aligned with the internal ribs would be obvious in view of Fevre et al's embodiment in Figures 1-5, where the portions of tongues 15 and 18 engaging the inner and outer jacket are radially aligned, and spheres 40 of Burkhard et al, which have radially aligned surfaces engaging the inner and outer jacket (claims 3, 13, 24). Upon inspection in Figure 7 of Fevre et al, the width and hence surface area of the internal ribs is greater than the external ribs (claims 5, 9). The combined thickness of the ribs and sleeve in Fevre et al's Figure 7 is at least equal to the distance between the outer and inner jackets (claim 6). As the ribs are flexible (abstract), and the sleeve is made of one piece with its wall approximating the thickness of the ribs, the wall of the sleeve is also flexible (claim 10). Fevre et al's sleeve 5 is fixed relative to the outer jacket by block 9, with the inner jacket telescoping within the outer jacket and sleeve (claims 19, 22). In the combination Burkhard et al teaches the inner jacket 26 fixed, the sleeve secured to the outer jacket, and the outer jacket and sleeve telescoping relative to the inner sleeve (claim 20). Forming the wall of the sleeve thicker than the ribs would be obvious in the combination as taught by the spheres 40 of Burkhard et al in the combination, which have surfaces extending toward and contacting facing walls of jackets that do not extend a distance from sleeve 44 that is equal to sleeve 44's thickness (claim 29).

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8. Claims 14 and 25 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Fevre et al in view of Barton et al US006389923B1, of record.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fevre et al to include a bonding agent between the sleeve and outer jacket as taught by Barton et al (column 2, lines 10-18, where an adhesive is used between the sleeve 3 and outer column member 1) in order to better retain the sleeve securely within the outer tube (column 2, lines 12-18 of Barton et al).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fevre et al in view of Burkhard et al as applied to claim 1 above, and further in view of Barton et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fevre et al and Burkhard et al to include a bonding agent between the sleeve and outer jacket as taught by Barton et al (column 2, lines 10-18, where an adhesive is used between the sleeve 3 and outer column member 1) in order to better retain the sleeve securely within the outer tube (column 2, lines 12-18 of Barton et al). In the combination the injected adhesive would flow between the external ribs.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth
Primary Examiner
Art Unit 3616

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